

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

RHONDA KIRKMAN,)	
)	
Plaintiff,)	
)	
v.)	
)	1:08CV273
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed in this case on November 4, 2009 [Doc. # 16]. Objections to the Recommendation [Doc. # 18] were filed on November 5, 2009. The scope of review for a final decision on disability benefits under the Social Security Act, 42 U.S.C. §§ 301 et seq. is restricted to whether the findings of the Secretary are supported by substantial evidence and whether the correct law was applied. 42 U.S.C. § 405(g) ("The findings of the Secretary as to any fact, if supported by substantial evidence, shall be conclusive...."); See also Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir.1990).

Review was conducted pursuant to this standard and the Court now finds the Magistrate Judge's Recommendation was indeed based on

substantial evidence. The Court therefore adopts the Magistrate Judge's Recommendation in full. Based on the foregoing, the Plaintiff's Motion for Summary Judgment [Doc. # 11] is DENIED, the Commissioner's Motion for Judgment on the Pleadings [Doc. # 14] is GRANTED, the Commissioner's Decision is AFFIRMED, and judgment is entered in favor of the Commissioner.

This the 15th day of September, 2011.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge